



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,095	11/14/2000	Paul F. Hanchett	NA00-08801	9680

28875 7590 06/30/2005

Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
----------	--------------

2135

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,095

Applicant(s)

HANCHETT, PAUL F.

Examiner

Beemnet W. Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-9,15-17,23, 24,27 and 28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,7-9,15-17,23,24 and 27 is/are rejected.
7) ☒ Claim(s) 28 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The request filed 28 April 2005 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application 09/713,095 is acceptable and an RCE has been established. Claims 1, 7, 9, 15, 17 and 23 have been amended, claims 2-6, 10-14, 18-22 and 25-26 have been cancelled and new claims 27-28 are added. Claims 1, 7-9, 15-17, 23-24 and 27-28 are pending.

Response to Arguments

2. Applicant's arguments filed on April 28, 2005, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7-9, 15-17, 23-24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howland et al (hereinafter Howland) US Patent No. 6,018,741 in view of Maruyama et al. US Patent 5,710,920 (hereinafter Maruyama) and further in view of Waldin et al. (hereinafter Waldin) US Patent No. 6,651,249 B2.

5. As per claims 1, 9, 17 and 27, Howland teaches a method for establishing a list of attributes for a computing node within a hierarchy of computing nodes, the list of attributes being associated with action to be performed by a program [column 3, lines 43-53 and figure 1A], the method comprising:

establishing a hierarchy of lists of attributes, an attribute being comprised of an attribute identifier and an attribute value [column 3, lines 54-62], the attribute value being comprised of either a list of attributes or a controlling value used by the security scanner program to control an operation of the program [column 3, lines 54-64 and column 6, lines 53-62], and , the list of attributes being comprised of a grouping attribute and a series of one or more attributes [column 2, lines 33-44, column 3, lines 54-64 and column 6, lines 63-67];

examining the grouping attribute associated with the list of attributes [column 3, lines 13-23];

updating an element of the list of attributes if the grouping attribute indicates that the element may be updated without also updating other elements the list of attributes [column 4, lines 29-37 and figures 1A and 1B];

updating the element and all other elements of the list of attributes if the grouping attribute indicates that updating the element requires all other elements to be updated [column 4, lines 15-37 and figures 1A and 1B]; and

updating the element, all other elements, and all subordinate elements of the list of attributes if the grouping attribute indicates that updating the element requires all subordinate elements of the list of attributes to be updated [column 4, lines 15-37 and figures 1A and 1B]. wherein he grouping attribute indicates one of the element may be updated without also updating other elements in the list of attributes (i.e., local variable update) [column 4, lines 29-37 and figures 1A and 1B]; updating the element requires all other elements in the list of attributes

to be updated (i.e., inherited variable update) [column 4, lines 15-37 and figures 1A and 1B]; and updating the element requires all other elements in the list of attributes and all subordinate elements in the list of attributes to be updated (i.e., inherited variable update at all nodes (levels)) [column 4, lines 15-37 and figures 1A and 1B]; wherein updating the element involves overwriting the value with another value that may be identical to an original value [column 4, lines 37-50 and column 5, lines 1-16]; wherein updating the element and all other elements of the list of attributes involves overwriting each value with another value that may be identical to an original value [column 4, lines 37-50 and column 5, lines 1-16], and wherein updating the element, all other elements in the list of attributes, and all subordinate elements of the list of attributes involves overwriting each value with another value that may be identical to an original value for each element and each subordinate element of the list of attributes [column 4, lines 37-50 and column 5, lines 1-16].

Howland is silent on the method wherein the element of the list of attributes contains an identifier that uniquely identifies the element and a value, wherein the value may itself be a list of elements. However, such feature is old and well known in the art, which has the advantage of identifying a list of attribute values as a single collection of items. For example Maruyama teaches an object oriented database system [see abstract] including an element of list of attributes contains an identifier that uniquely identifies the element and a value, wherein the value may itself be a list of elements (i.e., Array/enumeration of attribute values) [column 3, line 64 – column 4, line 24 and figures 2B]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Maruyama within the system of Howland in order to have the attribute value contain a list of elements.

Howland further teaches the method applied on data processing application programs (computer programs), consisting of attributes [column 1, lines 20-37]. Howland fails to explicitly

Art Unit: 2135

teach a security scanner program (i.e., a virus protection software). However, security scanner program (i.e., virus protection software) is a type of software application. For example Waldin teaches virus protection software as a type of application software and a method of updating software programs [column 1, lines 20-35, column 3, lines 7-27]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the security scanner program taught by Waldin into the application program of Howland-Maruyama in order to achieve the advantage of flexible updating of attributes since virus protection programs require frequent updating of programs.

6. As per claims 7, 15 and 23, Howland further teaches the method wherein if the attribute being updated is itself another list of attributes, the grouping attribute can indicate one of the attribute can be updated, a content of the list of attributes can be replaced, and the other list of attributes can be merged with the list of attributes [column 4, lines 37-67 and column 5, lines 1-16].

11. As per claims 8, 16, and 24, Waldin further teaches the method wherein a security scanner program performs scanning process on files associated with computing node for malicious computer instructions, wherein details of the scanning process are specified by a list of security scanner attributes [column 1, lines 20-35 and column 3, lines 8-24].

Allowable Subject Matter

12. Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

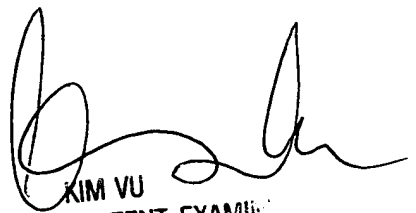
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

June 25, 2005


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100